

REMARKS

Claims 1-10 are all the claims pending in the application.

Claim 9 has been rejected for obviousness-type double patenting as allegedly being unpatentable over Claim 1 of U.S. Patent No. 6,323,147.

As explained in the previous Response filed December 11, 2008, present Claim 9 is not obvious over Claim 1 of the '147 patent at least for the reason that the third step of present Claim 1 is not taught or suggested by Claim 1 of the '147 patent. The significance of this step with respect to the teachings of the '147 patent is discussed in more detail below. Accordingly, withdrawal of the double patenting rejection based on the '147 patent is respectfully requested.

Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (US 6,323,147).

Applicant submits that this rejection should be withdrawn because Yamamoto does not disclose or render obvious the present invention.

As explained in the previous Response filed December 11, 2008, a significant aspect of the presently claimed invention is in the third step, that is, to substitute the template extraction solvent remained in the solid after the removal of the template (second step), with a solvent substantially inert to a silylating agent to be used in the fourth step.

Yamamoto does not teach or suggest the presently claimed third step.

The Examiner states:

Regarding step three of claim 1, Yamamoto "147" also teaches that after the catalyst is mixed with solvent for solvent extraction and the liquid portion separated, the catalyst can be obtained by extracting the catalyst layer with a solvent for washing (col. 4, lines 40-44) and teaches that a solvent used for washing is toluene

(col. 7, line 50). Thus if toluene is used for washing after solvent extraction, this obviously results in a third step of substituting the solvent used for extraction with a solvent which is substantially inert to a silylating agent used in a subsequent step, as claimed.

Applicant respectfully disagrees.

Yamamoto at col. 7, lines 45-52 discloses:

... the filtered white solid was transferred to a tubular furnace, heated at 150 °C for 5 hours under nitrogen flow. This substance (5 g), hexamethyldisilazane (3.4 g) and toluene (50 g) were mixed, and the mixture was heated for 1 hour under reflux with stirring. Liquid was removed by filtration from the mixture. It was washed with toluene (100 g), and dried under reduced pressure ... to obtain a catalyst.

That is, although Yamamoto teaches that a solvent used for washing is toluene, this toluene washing is conducted after silylating the catalyst which corresponds to the fourth step of present Claim 1. Accordingly, Yamamoto does not teach or suggest the presently claimed third step.

Further, as shown by the comparison between Example 1 and Comparative Example 1 of the specification, there was improvement in the reaction result when the treatment from extraction to silylation was substitution with toluene (Example 1) versus drying with hot nitrogen (Comparative Example 1, which is representative of Yamamoto). See Table 1 at page 21 of the specification.

In other words, the titanium-containing silicon oxide catalyst obtained by the presently claimed process exhibits unexpectedly higher activity than that of Yamamoto.

In view of the above, the present claims are not obvious over Yamamoto.
Reconsideration and withdrawal of the §103(a) rejection based on Yamamoto are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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